

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-2, 5-12, 14, 16-18, 20-21, 23, and 24 are currently pending, Claims 1-6, 14, 16-19, 21, and 23-24 having been amended, and Claims 3, 4, 13-15, and 19 having been canceled without prejudice or disclaimer. The changes and additions to the claims do not add new matter and are supported by the originally filed specification, for example, on page 42, line 20 to page 47, line 5, and original Claims 15-18.

In the outstanding Office Action, the specification was objected to; the drawings were objected to; Claims 1-3, 6, 7, 13-15, 20, 21, 23, and 24 were rejected under 35 U.S.C. §103(a) being unpatentable over Saito (U.S. Pub. No. 2002/0052974) in view of Mistubori et al. (U.S. Pub. No. 2002/0114002, hereafter “Mistubori”); Claim 4 was rejected under 35 U.S.C. §103(a) as unpatentable over Saito in view of Mistubori and Yasunobu (U.S. Patent No. 7,046,394); Claim 5 was rejected under 35 U.S.C. §103(a) as unpatentable over Saito in view of Mistubori and Hayashi et al. (U.S. Patent No. 6,426,809, hereafter “Hayashi”); Claim 8 was rejected under 35 U.S.C. §103(a) as unpatentable over Saito in view of Mistubori and Kawai et al. (U.S. Patent No. 6,449,060, hereafter “Kawai”); Claim 9 was rejected under 35 U.S.C. §103(a) as unpatentable over Saito in view of Mistubori, Kawai and Ikeda (U.S. Patent No. 6,788,339); Claims 10-11 were rejected under 35 U.S.C. §103(a) as unpatentable over Saito in view of Mistubori and Kouzaki (U.S. Patent No. 5,446,476); Claim 12 was rejected under 35 U.S.C. §103(a) as unpatentable over Saito in view of Mistubori and Kita (U.S. Pub. No. 2003/0011815); Claim 16 was rejected under 35 U.S.C. §103(a) as unpatentable over Saito in view of Mistubori and Yamada (U.S. Pub. No. 2004/0234148); Claim 17 was rejected under 35 U.S.C. §103(a) as unpatentable over Saito in view of Mistubori and Horie et al. (U.S. Patent No. 6,480,624, hereafter “Horie”); Claim 18 was

rejected under 35 U.S.C. §103(a) as unpatentable over Saito in view of Mistubori and Ostromoukhov (U.S. Pub. No. 2002/0051210); Claim 19 was rejected under 35 U.S.C. §103(a) as unpatentable over Saito in view of Mistubori and Oka et al (U.S. Patent No. 5,444,544, hereafter “Oka”).

With respect to the objection to the specification, Applicants respectfully submit that the cancellation of Claims 3, 4, 13, and 19 overcomes this ground of objection.

With respect to the rejection of Claim 1 under 35 U.S.C. §103(a), Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of rejection.

Claim 1 recites, *inter alia*,

an instruction reception unit that receives instruction information from a user on whether to perform background removal processing for the image data at the scanner unit;

wherein, the content determination unit changes a type of image processing to be performed at the image processing unit based on the instruction information from the user.

Applicants respectfully submit that the combination of Saito and Mistubori fails to disclose or suggest these features of amended Claim 1.

Saito describes a copying machine for reading original documents and transmitting them to various devices (see para. [0022] of Saito). The Office Action admits that Saito fails to disclose or suggest a color determination unit as defined by Claim 1. Therefore, the Office Action relies on Mistubori to remedy the deficiencies of Saito (see Office Action, at page 4, citing para. [0146] and [0150] of Mistubori).

The Office Action admits that the combination of Saito and Mistubori fails to disclose or suggest an image processing apparatus where the image processing includes background removal processing and an instruction reception unit that receives instruction information on

the background removal processing for the image data (see Office Action, at pages 15, 16, and 17, discussing Claims 16-18).

Therefore, the combination of Saito and Mistubori fails to disclose or suggest an instruction reception unit that receives instruction information from a user on whether to perform background removal processing for the image data at the scanner unit, and the content determination unit changes a type of image processing to be performed at the image processing unit based on the instruction information from the user, as defined by amended Claim 1.

Applicants note that the Office Action relies on Yamada to remedy the deficiencies of Saito and Mistubori with regards to dependent Claim 16, and disclose “the instruction reception unit receives the instruction information on the background removal processing for the image data, and the content determination unit changes a parameter for the color space conversion based on the instruction information.” (See Office Action, at page 16, citing para. [0083], [0112], and [0144] of Yamada). Yamada is directed towards an image encoding method where a user may specify a character area of an image where “mosquito noise” is likely to occur so that a facsimile apparatus does not have to detect the character area (see para. [0112]). However, receiving a specified character area from a user is not the same as receiving instruction information on whether to perform background removal processing for image data at a scanner unit.

Therefore, Yamada fails to disclose or suggest an instruction reception unit that receives instruction information from a user on whether to perform background removal processing for the image data at the scanner unit, and the content determination unit changes a type of image processing to be performed at the image processing unit based on the instruction information from the user, as defined by amended Claim 1.

The Office Action also relies on Horie to remedy the deficiencies of Saito and Mistubori with regards to dependent Claim 17, and disclose “the instruction reception unit receives the instruction information on the background removal processing for the image data, and the content determination unit changes input/output characteristic curve for the gamma correction based on the instruction information.” (See Office Action, at page 17, citing col. 6, lines 35-67; col. 7, lines 13-15; col. 10, lines 48-63; and col. 23, lines 20-29 of Horie). Horie is directed towards a camera with a color correction switch 13 and a noise correction switch 14 (see Fig. 2 and col. 6, line 35-col. 7, line 15 of Horie). Horie also describes an image processing unit 25 that includes a background filtering calculator 25 (see col. 10, lines 19-62). However, Horie does not describe a scanner unit which performs background removal processing that is separate from the image processing unit. Thus, Horie fails to describe receiving instruction information on whether to perform background removal processing for the image data at a scanner unit.

Therefore, Horie fails to disclose or suggest an instruction reception unit that receives instruction information from a user on whether to perform background removal processing for the image data at the scanner unit, and the content determination unit changes a content of image processing to be performed at the image processing unit based on the instruction information from the user, as defined by amended Claim 1.

The Office Action also relies on Ostromoukhov to remedy the deficiencies of Saito and Mistubori with regards to dependent Claim 18, and disclose “the instruction reception unit receives the instruction information on the background removal processing for the image data, and the content determination unit changes the content of the halftone processing based on the instruction information.” (See Office Action, at page 18, citing para. [0042], [0004], and [0056]-[0058] of Ostromoukhov). Ostromoukhov is directed towards a method of halftoning by error diffusion. Ostromoukhov describes that “a decision is made as to whether or

not to apply a different threshold mask being based on the local image gradient of the image.” (See para. [0004]). However, the “decision” described by Ostromoukhov is made within the apparatus (see Fig. 8, S805) and is not the same as receiving instruction information from a user on whether to perform background removal processing.

Therefore, Ostromoukhov fails to disclose or suggest an instruction reception unit that receives instruction information from a user on whether to perform background removal processing for the image data at the scanner unit, and the content determination unit changes a content of image processing to be performed at the image processing unit based on the instruction information from the user, as defined by amended Claim 1.

Thus, Yamada, Horie, and Ostromoukhov fail to remedy the deficiencies of Saito and Mistubori with regards to amended Claim 1.

Yasunobu, Hayashi, Kawai, Ikeda, Kouzaki, Kita, and Oka and have also been considered but fail to remedy the deficiencies of Saito and Mistubori as discussed above with regards to amended Claim 1.

Thus, it is respectfully submitted that amended Claim 1 (and all associated dependent claims) patentably distinguishes over Saito, Mistubori, Yasunobu, Hayashi, Kawai, Ikeda, Kouzaki, Kita, Yamada, Horie, Ostromoukhov, and Oka either alone or in proper combination.

Amended independent Claims 21, 23, and 24 recite features similar to those of amended Claim 1. Thus, it is respectfully submitted that amended Claims 21, 23, and 24 (and all associated dependent claims) patentably distinguish over Saito, Mistubori, Yasunobu, Hayashi, Kawai, Ikeda, Kouzaki, Kita, Yamada, Horie, Ostromoukhov, and Oka either alone or in proper combination.

Consequently, in light of the above discussion and in view of the present amendment, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

James J. Kulbaski
Attorney of Record
Registration No. 34,648

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

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